

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

ROBERT W. NORTH,

Plaintiff,

v.

CELSIUS NETWORK LLC,

Defendant.

ORDER

22-cv-8825 (ER)

RAMOS, D.J.

On October 14, 2022, Robert North filed a complaint against Celsius Network LLC. Doc. 1. A summons was issued on October 26, 2022, Doc. 4, but North has not filed an affidavit of service and Celsius Network LLC has not appeared. On October 12, 2023, the Court directed North to file a status letter by November 1, 2023 and warned that failure to do so may result in dismissal for failure to prosecute pursuant to Fed. R. Civ. P. 41(b). Doc. 6. November 1, 2023 has now passed without North's response. For the reasons set forth below, the Court dismisses this case for failure to execute service under Federal Rule of Civil Procedure 4(m).

Rule 4(m) provides that "[i]f a defendant is not served within 90 days after the complaint is filed, the court—on motion or on its own after notice to the plaintiff—*must* dismiss the action without prejudice against that defendant or order that service be made within a specified time." Fed. R. Civ. P. 4(m) (emphasis added).

Over a year has passed since North filed the complaint. North has also failed to provide the Court with a status report, even when warned that failure to respond could result in dismissal

under Rule 4(m). Accordingly, the Court dismisses Plaintiff's action without prejudice. The Clerk of Court is respectfully directed to terminate any pending motions and to close the case.

It is SO ORDERED.

Dated: November 3, 2023
New York, New York

A handwritten signature in blue ink, appearing to read 'Edgardo Ramos', is written above a horizontal line.

Edgardo Ramos, U.S.D.J.